



Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert R. Corbin

March 7, 1983

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ARIZONA ATTORNEY GENERAL

Mr. Dennis T. Fenwick
Santa Cruz County Attorney
Chenoweth and Loma
Nogales, AZ 85621

Re: I83- 020 (R83-025)

Dear Mr. Fenwick:

We have reviewed your opinion dated February 10, 1983, to Shirley Bourne of the Patagonia Elementary School concerning the ability of a school district with eight teachers to hire a head teacher, principal or an "assistant to the Board of Education." Although we agree that the district may not appoint a head teacher, but may hire a principal, the school district cannot employ an "assistant to the Board of Education" instead of a principal in order to avoid certification requirements. See A.R.S. § 15-203.A.21 and 26; A.C.R.R. R7-2-603.

Sincerely,

A handwritten signature in cursive script, reading "Bob Corbin", is written over the typed name.

BOB CORBIN
Attorney General

BC:VBW:lm

OFFICE OF THE SANTA CRUZ COUNTY ATTORNEY

DENNIS T. FENWICK
County Attorney
ROBERT BRUCE STIRLING, II
Chief Deputy



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Nogales, AZ 85621
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2-17-83 pc
EDUCATION
R83- 025

MEMORANDUM

TO: Shirley Bourne
Patagonia Elementary School
P.O. Box 295
Patagonia, AZ 85624

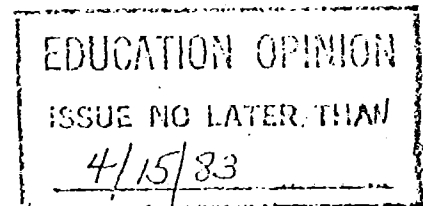
FROM: Dennis T. Fenwick
Santa Cruz County Attorney

DATE: February 10, 1983

CC: Virginia Whitehead
Deputy Attorney General
State Capitol
1275 West Washington
Phoenix, AZ 85007

CC: Gonzalo "Lito" Galindo
Santa Cruz County School Superintendent

RE: Whether a school having eight teachers may appoint a head teacher, pursuant to A.R.S. § 15-503(A)



On February 10, 1983, Shirley Bourne called me requesting as answer to the above question.

A. FACTS AND ISSUE.

The facts are that the Board of Education of the Patagonia Elementary School would like to know whether they can hire a head teacher for the school when it has eight teachers; or alternatively, whether they are required to employ a principal; or alternatively, not employ a principal nor have a head teacher, but simply have an

"Assistant to the Board of Education".

B. DISCUSSION.

A.R.S. § 15-503(A) states that

"A. The governing board may:

. . . .

"2. In a school district having five or more teachers, employ a principal.

"3. In a school district having less than five teachers, appoint a head teacher."

In interpreting this statute, the Attorney General's Opinion No. I-81-046, the Attorney General, in interpreting 15-503(A)(1), stated that a school district having less than 300 students may not employ a superintendent. By using the same logic, therefore, under subparagraph 2, in a school district having less than five teachers, it cannot employ a principal. Furthermore, in a school district having five or more teachers, it cannot appoint a head teacher.

C. CONCLUSION.

In conclusion, since there are eight teachers at the Patagonia Elementary School, my opinion is that you cannot employ a head teacher. You may employ a principal, but you are not required to.

Since the statute does not require you to employ a principal, and does not prohibit you from employing someone else, such as "an assistant to the Board of Education," it would appear that you could do so, though in fact I am not sure what difference that would be between the "assistant" and a principal.

D. REVIEW BY ATTORNEY GENERAL'S OFFICE.

A copy of this opinion is being sent to the Attorney General's Office for its review, pursuant to A.R.S. § 15-253, after which the

Attorney General has 60 days from the receipt of this Opinion to concur, revise, or decline to review the Opinion. Before acting on the basis of this Opinion, you may want to wait until the expiration of that 60-day period.